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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Beck, James and Barnett, Jason

Serial. No. 10/623,880

Filed: July 21, 2003

For: DETECTION OF FUNGAL
PATHOGENS USING THE
POLYMERASE CHAIN REACTION

Art Unit: TBA

Examiner: TBA

Atty Docket: 60063USDIV2

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. Copies of these references are not enclosed herewith since copies were provided with the parent application no. 09/933,379. The submission of this IDS is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 forms.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits.

Respectfully submitted,



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Attorney for Applicant
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INFORMATION DISCLOSURE CITATION

ATTY. DOCKET NO.
60063USDIV2
APPLICATION NO.
10/623,880
APPLICANT
BECK, J. and BARNETT, J.
FILING DATE
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Group



(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|------------------|----|-----------------|----------|------------------------------|-------|----------|-------------|
| | AA | 4,683,202 | 7/28/87 | Kary B. Mullis | 435 | 91 | 10/25/85 |
| | AB | 4,683,195 | 7/28/87 | Mullis, et al. | 435 | 6 | 2/7/86 |
| | AC | 5,585,238 | 12/17/96 | James. Ligon and James. Beck | 435 | 6 | 4/25/94 |
| | AD | 5,800,997 | 9/1/98 | James J. Beck | 435 | 6 | 11/1/96 |
| | AE | 5,955,274 | 9/21/99 | James Ligon and James Beck | 435 | 6 | 4/19/95 |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

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| AA | Adaskaveg, J.E. and Hartin, R.J., <i>Characterization of Colletotrichum acutatum Isolates Causing Anthracnose of Almond and Peach in California</i> Etiology, Vol. 87, No. 9 (1997), pp. 979-987 |
| AB | Barker, I., et al. "Strawberry Blackspot Disease (<i>Colletotrichum acutatum</i>)" in Schots A., Dewey FM, Oliver R. (Eds.). <i>Modern assay for plant pathogenic fungi: identification, detection and quantification</i> (Wallingford, Oxford: CAB International, 1994), pp. 179-182. |
| AC | Förster, H. and Adaskaveg, J.E., <i>Identification of Subpopulations of Colletotrichum acutatum and Epidemiology of Almond Anthracnose in California</i> Phytopathology, Vol. 89, No. 11 (1999), pp. 1056-1065 |
| AD | Johanson, A. and Jeger M. <i>Use of PCR for detection of Mycosphaerella fijiensis and M. musicola, the causal agents of Sigatoka leaf spots in banana and plantain</i> Mycological Research, Vol. 97, No. 6 (1993), pp. 670-674. |
| AE | Lee, et al. <i>A rapid, high yield mini-prep method for isolation of total genomic DNA from fungi</i> Fungal Genetics Newsletter, No. 35 (June, 1988), pp. 23-24 |
| AF | Lee, S.B. and Taylor, J.W., "Isolation of DNA from fungal mycelia and single spores." In: eds. Innis, et al., <i>PCR Protocols: A Guide to Methods and Applications</i> (New York, Academic Press, Inc., 1990) Pp. 282-287. |
| AG | Mills, P.R., et al. "Detection of the Anthracnose Pathogen <i>Colletotrichum</i> " in Schots A., Dewey FM, Oliver R. (Eds.). <i>Modern assay for plant pathogenic fungi: identification, detection and quantification</i> (Wallingford, Oxford: CAB International, 1994), pp. 183-189. |
| AH | Nazar, et al. <i>Potential use of PCR-amplified ribosomal intergenic sequences in the detection and differentiation of verticillium wilt pathogens</i> Physiological and Molecular Plant Pathology, Vol. 39, (1991), pp. 1-11. |
| AI | Pryor, B.M. and Gilbertson, R.L. <i>Molecular phylogenetic relationships amongst Alternaria species and related fungi based upon analysis of nuclear ITS and mt SSU rDNA sequences</i> Mycological Research, Vol. 104, Part 11 (Nov. 2000), pp. 1312-1321 |

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*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

AJ

Raeder, U. and Broda, P. *Rapid preparation of DNA from filamentous fungi* Letters in Applied Microbiology, Vol. 1 (1985), pp. 17-20.

FORM PTO-1449
(REV. 7-85)

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PATENT AND TRADEMARK OFFICE

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| AK | Schesser, K., et al. <i>Use of Polymerase Chain Reaction to Detect the Take-All Fungus, Gaeumannomyces graminis, in Infected Wheat Plants</i> <i>Applied and Environmental Microbiology</i> , Vol. 57, No. 2 (1990), pp. 553-556 |
| AL | Schnabel, G. et al. <i>Characterization of Ribosomal DNA from Venturia inaequalis and Its Phylogenetic Relationship to rDNA from Other Tree-Fruit Venturia Species</i> <i>Phytopathology</i> , Vol. 89, No. 1 (1999), pp. 100-108 |
| AM | Sreenivasaprasad, S., et al. <i>Phylogeny and systematics of 18 Colletotrichum species based on ribosomal DNA spacer sequences</i> <i>Genome</i> , Vol. 39 (1996), pp. 499-512 |
| AN | Teviotdale, B.L., et al. <i>First Report of Alternaria Leaf Spot of Almond Caused by Species in the Alternaria alternata Complex in California</i> <i>Plant Disease</i> , Vol. 85, No. 5 (May, 2001), pp. 558 |
| | Wang et al, <i>PCR amplification from single seeds, facilitating DNA marker-assisted breeding</i> <i>Nucleic Acids Research</i> , Vol. 21, No. 10 (1993), pp. 2527 |
| AO | White, et al. "Amplification and direct sequencing of fungal ribosomal RNA genes for phylogenetics." In: eds. Innis, et al., <i>PCR Protocols: A Guide to Methods and Applications</i> (New York, Academic Press, Inc., 1990) Pp. 315-322. |
| AP | Zur, et al. <i>Development of a Polymerase Chain Reaction-Based Assay for the Detection of Alternaria Fungal Contamination in Food Products</i> <i>Journal of Food Protection</i> , Vol. 62, No. 10 (1999), pp. 1191-1197 |
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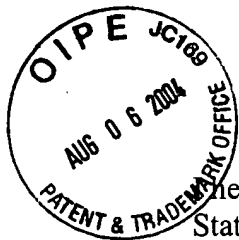
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hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on August 4, 2004.

- 1) Information Disclosure Statement
- 2) Form PTO-1449
- 3) Return Postcard

Melissa Hardy

Name

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